

REQUEST FOR RECONSIDERATION

The present invention relates to a suede-finished leather-like sheet having a fiber-entangled nonwoven fabric that structurally includes a layer (I) and a layer (II) superposed one on the other and entangled into an integral composite. The layers are composed of different kinds of microfine fibers derived from microfine fiber-forming fibers different in fineness, elongation at break and tenacity (claim 1), or are composed of microfine fibers different in fineness, elongation at break and tenacity (claim 5).

Applicants have found, as evidenced by Table 2 of the present specification, that leather-like sheets fail to produce good results simultaneously in feel, wearing comfort and durability under use, if the layer (I) and the layer (II) are composed of the same kind of microfine fibers or fail to satisfy the claimed elongation and tenacity relationships.

As the structure and properties of the claimed sheet are not described or suggested by the cited references of record, discussed below, reconsideration of the claimed invention is requested.

I. Rejection over Ikeda et al.

The rejection of claims 1-7, 9 and 10 over Ikeda et al. under 35 U.S.C. § 102(b) or 103(a) is traversed.

Ikeda et al. generally describes a composite fabrics. However, as shown in Fig. 3 and Example 1 of the reference, which are referred to by the Examiner in the present Office Action, the composite fabrics are a laminated structure of nonwoven fabric/woven or knitted fabric/nonwoven fabric. (See column 5, lines 32-48, and column 17, lines 58-63 of the reference). Such composite fabrics clearly do not meet the claimed structural features of “the layers (I) and (II) being superposed one on the other.” (Present claims 1 and 5).

Moreover, nowhere does Ikeda et al. describe or suggest two nonwoven fabrics from different kinds of microfine fibers. In fact, the Examiner acknowledges that the two

nonwoven fabrics are made of the same fibers. (See present Office Action, the sentence bridging pages 3 and 4).

Clearly, the claimed leather-like sheet and the composite fabric of Ikeda et al. are quite different in the laminated structure and the kinds of fibers constituting two nonwoven fabrics, and therefore the claimed invention would not be obvious in view of the reference.

It is noted that on page 4, lines 1-2 of the present Office Action, the Examiner states that: “[t]hus, the napped side of the fabric is layer I of the fabric and layer II is made from fibers with an equal average fineness as layer I.”

However, the “layer I and layer II” alleged by the Examiner correspond to the claimed layer (I), which has a napped surface. Thus, the Examiner has not shown and neither is there any indication of which layer of the composite fabric of Ikeda et al. is comparable to the claimed layer (II).

It is also noted that on page 4, second paragraph of the present Office Action, the Examiner alleges that the claimed limitations of elongation at break and tenacity are inherent to the invention. As the support for the Examiner’s allegation, the use of similar materials and the similar production steps to produce the artificial leather fabric are mentioned.

However, as evidenced by the comparison between Fiber Production Examples 1-5 at pages 20-22 of the present specification, the resultant microfine fiber-forming fibers exhibit different elongations at break and tenacities irrespective of being produced from similar materials. (See also Table 1 on page 22 of the present specification). The above-properties are also true for the resultant microfine fibers.

Further, the microfine fibers of Ikeda et al. are produced directly from the starting polymeric material by a melt-blow method. (See column 9, lines 8-21, and column 17, lines 42-51 of the reference). In contrast, the claimed microfine fibers are indirectly formed from

the microfine fiber-forming fibers, such as sea-island composite fibers. Thus, the production methods are quite different between the claimed invention and Ikeda et al.

Ikeda et al. is also completely silent about the use of two kinds of microfine fibers, which are different from each other in the elongation at break and tenacity. Thus, the claimed features regarding the two kinds of microfine fiber-forming fibers and two kinds of microfine fibers would not be inherent from a composite fabric described in the reference.

Therefore, in view of the above-stated reasons, the claimed invention is novel and unobvious over the reference.

Accordingly, withdrawal of the rejection is requested.

II. Rejection over Yoneda et al.

The rejection of claims 1-7, 9 and 10 over Yoneda et al. 35 U.S.C. § 102(a or e) or 103(a) is traversed.

Yoneda et al. describes a nonwoven fabric comprising a first layer (side A) made with ultrafine fibers having a fineness of 0.01 to 0.5 dtex, and the opposite side (side B) made with ultrafine fibers having a fineness of not more than 1/2 of the fineness of the ultrafine fibers in side A. (See paragraph [0010] of the reference).

However, Yoneda et al. controls only the finenesses of two kinds of ultrafine fibers, and fails to describe or suggest the combined use of two kinds of ultrafine fibers which are different from each other in the elongation at break and tenacity.

In the claimed invention, the microfine fiber-forming fibers (a), which are to be converted into the microfine fibers (A) satisfying the requirements (5) and (6), are produced without drawing or with a drawing at a low draw ratio (1.0 to 2 times), so as to satisfy the requirements (1) and (2). (See page 11, lines 4-13 of the present specification). The microfine fiber-forming fibers (b), which are to be converted into the microfine fibers (B) satisfying the requirements (7) and (8), are produced by a drawing at a higher draw ratio (2 to

5 times), so as to satisfy the requirements (3) and (4). (See page 11, lines 13-22 of the present specification).

As evidenced by the Fiber Production Examples 2-5, microfine fiber-forming fibers satisfying the requirements (1) and (2), and microfine fibers satisfying the requirements (5) and (6) cannot be obtained if the draw ratio exceeds 2 times.

In Example 1 of Yoneda et al., the ultrafine fiber- generating filaments (a') are drawn at a draw ratio of 2.5 times to prepare a web which is to be made into the first layer (side A). (See page 6, paragraph [0063], last line, of the reference). The ultrafine fiber-generating filaments (b') are drawn at a draw ratio of 3 times to prepare a web which is to be made into the second layer (opposite side B). (See page 7, left column, line 9 of the reference). Thus, the two sea-island composite fibers of Yoneda et al. fail to meet the claimed requirements (1) and (2), and cannot generate the microfine fibers meeting the claimed requirements (5) and (6).

Moreover, it is noted that Yoneda et al. is completely silent about the drawing of fibers, and the relationships between the draw ratio and the elongation at break and tenacity of fibers. As such, one skilled in the art, based on the reference's disclosure, would have no guidance or motivation to combine the use of two kinds of fibers which are different from each other in the elongation at break and the tenacity.

Therefore, in view of the above-stated reasons, the claimed invention is novel and unobvious over the reference.

Accordingly, withdrawal of the rejection is requested.

The objection to claim 1 is obviated by amendment.

Applicants submit that the application is now in condition for allowance. Early notification of such allowance is earnestly solicited.

Should the Examiner deem that any further action is necessary to place this application in even better form for allowance, the Examiner is encouraged to contact Applicant's undersigned representative at the below listed telephone number.

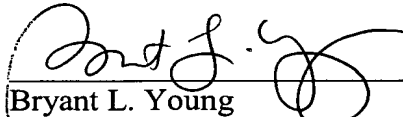
Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.
Norman F. Oblon

Customer Number

22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 06/04)


Bryant L. Young
Registration No: 49,073